



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,338	11/04/2003	David Perko		4930

7590 11/08/2004

FRANK L. KUBLER
13261 S.W. 54th Court
Miramar, FL 33027

EXAMINER


OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,338	Applicant(s) PERKO, DAVID 	
	Examiner Lars A Olson	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-12 and 14 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An amendment was received from the applicant on September 29, 2004.
2. Claims 1, 2, 15 and 16 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day in view of Nanami (US 5,618,213).

Day discloses a water vessel, as shown in Figures 2-6, that is comprised of at least three closed gas containers, defined as Parts #40 and 50, in the form of two circular hull tubes and a circular cover tube, as shown in Figure 2, that are fastened in close lateral proximity to each other by fastening means, defined as Part #60, to define an interstitial hold space between said containers, as shown in Figure 6. Said tubes can also be made from rubber material, as described in lines 60-62 of column 2.

Day, as set forth above, discloses all of the features claimed except for the use of an engine that is connected to two counter-rotating propellers for propelling said watercraft.

Nanami discloses a water vessel, as shown in Figures 1-5, with an engine, defined as Part #19, that is connected to two counter-rotating propellers, defined as Parts #67 and 71, by means of a drive shaft, defined as Part #27.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize an engine connected to two counter-rotating propellers, as taught by Nanami, in combination with the water vessel as disclosed by Day for the purpose of providing increased thrust for propelling a water vessel.

Allowable Subject Matter

5. Claims 3-12 and 14 are allowed.

Response to Arguments

6. Applicant's arguments filed on September 29, 2004 regarding claim 13 have been fully considered but they are not persuasive.

7. The applicant argues that Day (US 5,014,639) in view of Nanami (US 5,618,213) does not disclose all of the features claimed.

8. In response to the applicant's argument, Day discloses a water vessel that is comprised of at least three closed gas containers in the form of two circular hull tubes and a circular cover tube that are fastened in close lateral proximity to one another by fastening means in order to define an interstitial hold space between said containers. Nanami discloses a water vessel with an engine that is connected to two counter-rotating propellers by means of a drive shaft. Thus, there is sufficient motivation to

Art Unit: 3617

combine the water vessel as disclosed by Day with the water vessel having a propulsion means in the form of two counter-rotating propellers as disclosed by Nanami for the purpose of providing a water vessel with a means for providing increased thrust for propelling said water vessel. Therefore, for the reasons given above, the rejection of claim 13 is deemed proper and is not withdrawn.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

November 5, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
11/5/04